

# SENATE BILL REPORT

## SB 5897

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As Reported by Senate Committee On:  
Ways & Means, April 11, 2013

**Title:** An act relating to state parks.

**Brief Description:** Concerning state parks.

**Sponsors:** Senator Pearson.

**Brief History:**

**Committee Activity:** Ways & Means: 4/10/13, 4/11/13 [DPS, DNP, w/oRec].

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 5897 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey, Becker, Braun, Dammeier, Fraser, Hewitt, Keiser, Padden, Parlette, Ranker, Rivers, Schoesler and Tom.

**Minority Report:** Do not pass.

Signed by Senators Conway and Hasegawa.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Kohl-Welles.

**Staff:** Sherry McNamara (786-7402)

**Background:** State Parks Operations and Funding. The State Parks and Recreation Commission (State Parks) manages a system that includes 117 developed parks stretching across approximately 120,000 acres throughout the state.

Between 2001 and 2011, the Legislature took a number of policy and fiscal actions related to the funding of State Parks. These include, at various times, the use of funding mechanisms including parking fees, voluntary donations, and various fund transfers for the support of State Parks. During that period, the state general fund (GF-S) support ranged from a high of \$95 million in the 2007-09 biennium to a low of \$41 million in the 2009-11 biennium.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 2011, the Legislature created the Discover Pass and generally required its purchase for access to state recreation lands, including state parks. The 2011 operating budget provided one-time funding of approximately \$17 million of GF-S funds to assist State Parks to move toward the goal of becoming a self-supporting agency. Due to lower than expected Discover Pass revenue, State Parks received an additional \$4 million in one-time funding from state aquatic lands revenue in 2012. While initial 2011 projections estimated approximately \$64 million in Discover Pass revenue for the biennium, actual revenue totaled about \$15.7 million for fiscal year 2012.

State Parks Interpretation Authority. Under current law, State Parks has the broad authority to manage the use, care, and administration of state parks. Specifically, State Parks may provide environmental interpretive activities for purposes that:

- explain the functions, history, and cultural aspects of ecosystems;
- explain the relationship between human needs, human behaviors and attitudes, and the environment; and
- offer experiences and information to increase appreciation and stewardship of the environment and its uses.

State Parks may solicit assistance from and enter into agreements with private organizations and public agencies interested in conservation and environmental interpretation. No commercial advertising is allowed under these agreements, but logos or sponsorship credit lines may be permitted.

State Parks Foundation. In 2000, the Legislature directed the creation of the State Parks Gift Foundation (Foundation) to solicit support for State Parks, cooperate with other organizations, and encourage gifts to support State Parks. The Legislature established requirements for initial board membership, terms, and succession. Among its other roles, the Foundation awards grants to State Parks for eligible projects submitted to the Foundation for funding. Monies provided to State Parks may not supplant preexisting fund sources.

Discover Pass Requirement Generally. In general, a Discover Pass or day-use permit is required for any motor vehicle to park at or operate on recreation sites or lands managed by State Parks, the Department of Natural Resources (DNR), or the Department of Fish and Wildlife (DFW). Specific areas where a pass is required include state parks, DNR-managed uplands, and DFW wildlife areas and water access sites.

The statutory price of an annual Discover Pass is \$30, and a day-use permit is \$10.

State Parks Commission Voting Requirements. The commission consists of seven members, with a majority of commission members required to constitute a quorum and conduct business. Under the commission's procedural rules, a majority vote of the commissioners present is required to pass an item brought to vote unless the law requires a unanimous vote. By statute, several commission decisions must be unanimous votes. These include leases in excess of 20 years, land sales or exchanges, and the disposal of real property to resolve boundary and ownership issues with adjacent landowners.

Litter Tax. Established in 1971, the litter tax is levied on manufacturers, wholesalers, and retailers of products including groceries, tobacco products, soft drinks, and beer and wine.

The tax rate is 0.015 percent of the value of products manufactured in the state and the gross proceeds of products sold at wholesale or retail. Revenues from the tax are deposited in the Waste Reduction, Recycling, and Litter Control Account (account). Generally, funds in the account are allocated as such:

- 50 percent for state litter control programs;
- 20 percent for local government funding for waste reduction, litter control, and recycling activities; and
- 30 percent for waste reduction and recycling efforts.

**Summary of Bill (Recommended Substitute):** Specifies the Role of Natural, Cultural, and Historical Interpretation at State Parks. Current statutes governing interpretation at state parks are modified to reemphasize and expand State Parks' role in providing natural, cultural, and historical interpretation. This includes specifying authority to:

- explain the diverse human heritage and cultural changes over time in the state;
- offer experiences and information to increase understanding, appreciation, and stewardship of natural and cultural heritage; and
- explain the need for and methods to achieve natural, cultural, and historical resource protection and preservation.

The specific prohibition on commercial advertising in state parks is removed and replaced with general authority to solicit assistance and enter into agreements with the Foundation and private and public sector entities that are interested in stewardship and interpretation.

Expands the Role of the State Parks Foundation. The role of the State Parks Foundation, statutorily renamed from the State Parks Gift Foundation, is expanded and further specified to include the following:

- taking the lead role in soliciting, recognizing, and cultivating relationships with donors and sponsors, in coordination with State Parks;
- building constituencies and engaging in public outreach; and
- in addition to providing grants to State Parks, also awarding funds to friend groups and other associations formed to benefit state parks based on criteria developed in cooperation with State Parks.

Language prohibiting funds provided by the Foundation from supplanting preexisting state funds is repealed. The terms, method of appointment, and authority of the board of directors are established under the statutes governing nonprofit corporations.

Authorizes Certain Discounted Discover Pass Sales. State Parks, DNR, and DFW may mutually agree to sell discounted Discover Passes or day-use permits under certain circumstances. The discounts apply for purposes of bulk sales to retailers, agency license and permit bundling, and partnership opportunities to expand the visibility of the passes and recreation on state lands. The agencies must prioritize opportunities for discounted sales that result in net revenue gain.

Modifies Certain State Parks Commission Voting Requirements. All decisions of the State Parks Commission are made subject to a majority vote of the commissioners present. This removes a unanimous vote requirement for several actions relating to long-term leases, land sales or exchanges, and transfers to resolve boundary and ownership issues with adjacent

landowners. The commission must have a quorum present to act, which is a majority of the commission membership.

Additional Provisions.

- Establishes factors State Parks must consider when entering into partnerships involving interpretation or park management.
- Exempts concessions or leases to public agencies from the requirement that they be renegotiated at five-year intervals.
- Requires State Parks to develop and review progress under performance measures on a biennial basis, and sets information and processes State Parks must produce and consider for the first set of performance measures in 2014.
- Provides an exemption from the Discover Pass requirement for a motor vehicle operating on a road managed by DNR or DFW, including a forest or land management road, that is not blocked by a gate.

Litter Tax Revenue. Provides \$5 million per fiscal year in litter tax revenue for the operations and maintenance of State Parks over the next two biennia, ending June 30, 2017.

**EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Substitute):**

- Provides an exemption from the Discover Pass requirement for a motor vehicle operating on a road managed by DNR or DFW, including a forest or land management road, that is not blocked by a gate.
- Makes technical changes.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed. Sections 17 through 19 take effect July 1, 2013.

**Staff Summary of Public Testimony on Original Bill:** PRO: The State Parks Foundation was established by the Legislature to provide cooperation and support between the private world and State Parks; this bill expands the Foundation's role to work with donors. A core amount of State Parks funding should come from the GF-S. Most other states' park systems are not user funded. Our state needs a consistent method of funding for State Parks to achieve a more sustainable system. This bill includes additional tools for State Parks to acquire revenue and to better fulfill their mission.

OTHER: State Parks should not be funded with the litter tax, it should be funded at a higher level with GF-S dollars. If the funding is not provided, the state parks system will begin spiraling downward. Already there are fewer park rangers to enforce park infractions and without their presence more vandalism is occurring. Preserve parks and preserve the litter tax. Perhaps there is a compromise that can be worked out to fund both.

**Persons Testifying:** PRO: Peter Reid, WA State Parks Foundation; Daniel Farber, State Parks; Raelene Gold, League of Women Voters of WA; Bill Clarke, Trust for Public Land.

OTHER: Jeanine Livingston, WA Federation of State Employees; Carolyn Logue, WA Food Industry Assn.; Laurie Davies, Dept. of Ecology; Holly Chisa, NW Grocery Assn.